

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: July 13, 2017

* * * * *

DONNA SCAMBY POWERS, *

Petitioner, *

v. *

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

* * * * *

UNPUBLISHED

Special Master Gowen

No. 15-1096V

Ruling on Entitlement; Uncontested;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barré Syndrome (GBS)

Lawrence R. Cohan, Anapol Weiss, Philadelphia, PA, for petitioner.

Linda Sara Renzi, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON THE RECORD ON ENTITLEMENT¹

Gowen, Special Master:

On September 30, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that after receiving the influenza vaccination on October 10, 2012, she suffered from Guillain-Barré Syndrome (GBS). Petition at 1.

On June 29, 2017, respondent filed a status report along with his Rule 4(c) report in which he states that he does not contest that petitioner is entitled to compensation in this case. Respondent’s Status Report at 1. Specifically, respondent stated that the “parties are working to finalize the vaccine-related damages in this case and should be able to file a proffer on damages within thirty days of the Court’s issuance of a decision on entitlement.” *Id.*

¹ Because this decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the website of the United States Court of Federal Claims, pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012). The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. Before the decision is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* If neither party files a motion for redaction within 14 days, the decision will be posted on the court’s website. *Id.*

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

The following is **ORDERED**:

- 1) The parties shall file a status report on the progress of settlement discussions **within 30 days, no later than Monday, August 14, 2017**, unless a proffer is filed by that time.

IT IS SO ORDERED.

s/Thomas L. Gowen

Thomas L. Gowen
Special Master